



ARB-228-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

306

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Date of Decision: 26.09.2024

M/s Konig Exim Private Limited

...Applicant

Versus

Haryana State Industrial and Infrastructure Development Corporation

Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Rohan Mittal, Advocate for the applicant

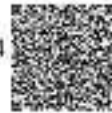
Mr. Prateek Mahajan, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. Pursuant to tender, the applicant was allotted work vide allotment letter dated 27.09.2016 (Annexure P-2). A dispute erupted between the parties. There is an arbitration clause in the tender document. The allotment of work, arbitration clause in the tender document and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondent submits that he leaves it to this Court to make appointment of an independent Arbitrator. He further

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submits that as per arbitration clause, the applicant has to make pre-deposit of 7.5% of the claimed amount.

4. The applicant, on being confronted with the said clause, submits that pre-deposit would be made within four weeks from today.

5. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

6. Mr. Justice Rajiv Narain Raina, Retired Judge of this Court, residing at H.No.E/8-03 (GF), DLF The Valley (Near Amravati Enclave), Pinjore-Kalka Urban Complex, Sector-3, Panchkula-134107, Mobile No.7837049207 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

10. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.



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11. A request letter along with copy of this order be sent to Mr. Justice Rajiv Narain Raina.

(JAGMOHAN BANSAL)
JUDGE

26.09.2024
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No